

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOEL F. HOLUBAR, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION
	)	NO. 03-12404-NG
KENT KHOLBERGER et al.,	)	
	)	
Defendants.	)	

**SCHEDULING ORDER**

Pursuant to a status conference held via telephone on October 28, 2004, it is hereby ORDERED as follows:

1. The parties shall not send documents as:
  - a. draft documents;
  - b. unsigned documents;
  - c. faxes.
2. The parties shall not send documents by email, with the exception of electronic filings made with this court.
3. The parties may send documents by regular mail. All mailing envelopes must be postmarked with the same date indicated by the corresponding certificate of service.
4. All parties are responsible for sending all documents with accurate certificates of service. All certificates of service sent by the defendants shall be signed by Mr. Edward C. Radzik and/or Mr. Curtis C. Pfunder. All

certificates of service sent by the plaintiffs shall be signed by Mr. Bjorn J. Holubar and/or Mr. Kurt E. Bratten. All parties shall serve both New York and local counsel.

5. By **Monday, November 1, 2004**, the plaintiffs shall send to defendants the confidentiality agreement concerning the medical and financial records for Joel F. Holubar and Mariana H. Holubar. Upon telephone notice of defendants' acceptance of this confidentiality agreement, the plaintiffs shall send to defendants the medical releases and any information concerning the health care providers not being produced in accordance with paragraph 3(c) of the "Order on Discovery Motions" dated September 13, 2004 (Docket No. 37). The defendants shall promptly countersign the confidentiality agreement and return it to the plaintiffs.
6. The plaintiffs shall provide the defendants with the medical records of plaintiffs Joel F. Holubar and Mariana H. Holubar during the period of January 1, 1999 until the present, in accordance with paragraph 3(b) of the "Order on Discovery Motions" dated September 13, 2004 (Docket No. 37). The financial records of Joel F. Holubar and Mariana H. Holubar to be produced by the plaintiffs in accordance with paragraph 3(a) of the September 13, 2004 Order shall cover the period of January 1, 1999 until the present.

7. By **Monday, November 1, 2004**, the defendants are to produce third party materials in accordance with paragraph 4 of the "Order on Discovery Motions" dated September 13, 2004 (Docket No. 37). These materials shall be produced even if they were previously produced, but the parties do not have to reproduce any tapes which have already been produced.
8. The depositions of Joel F. Holubar and Mariana H. Holubar shall occur on **November 10, 2004 or November 11, 2004**, absent a showing of good cause by the plaintiffs. The parties shall notify the court upon completion of both of these depositions. Upon this notification, the court shall schedule another telephone/scheduling conference.
9. If the parties are interested in mediation, they shall notify the court as soon as possible.

By the court,

/ s / Judith Gail Dein  
Judith Gail Dein  
United States Magistrate Judge

DATED: November 1, 2004